

## **MINUTES**

**Tuesday, October 16, 2007**

Mr. Warren Pearce, Chairperson, called the Tuesday, October 16, 2007 meeting of the Community Planning Commission to order at 7:30p.m. in Room 10 of the North Reading Town Hall, 235 North Street, North Reading, MA.

### **MEMBERS**

#### **PRESENT:**

Warren Pearce, Chairperson  
Patricia Romeo, Vice Chairperson  
Christopher B. Hayden, Clerk

### **STAFF**

#### **PRESENT:**

Heidi Griffin, Planning Administrator  
Debra Savarese, Administrative Assistant

**17 Cottage Street – Discussion**

Mrs. Romeo stated that this item was not listed on the agenda and she feels that she was blind sighted by this item being heard this evening.

Mr. Pearce stated that he gave the approval for it to be heard as an informal discussion this evening.

William Smith stated that he did notify all of the abutters associated with the proposal.

Attorney Philip Riley stated that Mr. Smith and Mr. Stacey applied for a building permit and was told that they would have to go in front of the Community Planning Commission for a Determination of Access. As the process moved along, they realized that they could not meet the minimum requirements for road determination. They decided that they would withdraw the application from the Community Planning Commission and appeal the building inspector's decision to the Board of Appeals. The Board of Appeals asked them to come back as a courtesy to the Community Planning Commission to get input on what they would like to see if the Board of Appeals should overrule the building inspector.

Mr. Pearce stated that the Board of Appeals asked Town Council their opinion in regard to this matter. Town Council's letter states that they agree with the Community Planning Commission.

Attorney Riley stated that they disagree with Town Council's assessment. There was a structure on the property prior to zoning.

Mr. Pearce stated that the issue is access to the lot.

Attorney Riley asked again what the Community Planning Commission would like to have happen if the Board of Appeals approves.

Mr. Pearce stated that he would ask that they refer to the Unaccepted Street policy.

Attorney Riles stated that to meet the requirements they would need to receive easements from the abutters and feel that this would not be an easy task, due to the abutters not wanting to have the roadway improved.

Mr. Hayden stated that there have been other streets that have been denied in this town because there is not safe and adequate access.

William Smith stated that this bylaw has created a situation where a property owner is deprived of their right of use.

Mr. Pearce stated that they are not denied, they are given standards for access.

**87 Concord Street – Stie Plan Review – cont. P.H. 8:00PM**

Attorney James Valeriani stated that they have received approvals from the Conservation Commission and the Board of Appeals. They also received reports from VHB and C-Squared Systems that were requested by the Community Planning Commission. C-Square Systems confirmed that they are well below the FFC emission levels. VHB responded to the sound levels that were done by Doug Sheadel. Doug then clarified and adequately responded back to VHB to the questions that were asked of them.

Doug Sheadel stated that VHB was primarily challenging his addressing the North Reading bylaws. His study was directed toward these bylaws because they are within the North Reading border and it is the Community Planning Commission's prerogative to control noise how they choose to. If this were a DEP triggered analysis for a major source, DEP would use this criteria for their analysis. The North Reading criteria is much more stringent than DEP, and therefore, he used the town's criteria.

Mr. Hayden moved, seconded by Mrs. Romeo and voted 3-0:

that the Community Planning Commission vote to grant the requested continuance of the public hearing for 87 Concord Street until Tuesday, November 6, 2007 @ 8:30PM.

**43D Regulations – cont. P.H. 8:30PM**

Mr. Hayden moved, seconded by Mrs. Romeo and voted 3-0: (Mr. Rooney and Mr. Perullo absent)

that the Community Planning Commission vote to APPROVE 43D Regulations for the designated Priority Development Site at the J.T. Berry Center located at 104 Lowell Road, North Reading, MA. Subject to Town Council's review.

**ADJOURNMENT AT 8:50PM**

Respectfully submitted,

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Christopher B. Hayden, Clerk